REMARKS

Applicant is in receipt of the Office Action mailed September 25, 2007. Claims 22, 23, 40, 41, 42, 47, 52, and 53 have been amended. Claims 1-58 are pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Telephone Interview Summary

On Thursday, November 01, 2007, Applicant spoke with the Examiner by telephone regarding the definition of "graphical program", and the fact that the Office Action did not consider this definition in the analysis of the cited prior art because of its location in the preamble of claim 1. Applicant suggested amending the claim in a Response to Final Office Action to move the definition from the preamble to the body of the claim, and requested that the Examiner reconsider the cited art with this definition in effect. The Examiner agreed to reconsider the cited art in light of this definition.

Applicant has thus amended claim 1 to move the definition of "graphical program" from the preamble to the body of the claim, and respectfully requests that the Examiner consider this definition when analyzing the referenced prior art.

Objections

The Oath/Declaration was object to for non-initialed non-dated alterations. Applicant submits herewith a new correct Oath/Declaration, and respectfully requests removal of the objection to the Oath/Declaration.

Claims 22, 23, 41, and 47 were objected to for various antecedent basis and typographical errors. Applicant has amended claims 22, 23, 40, 41, 42, and 47 accordingly, and earnestly requests removal of the objection to these claims.

Section 112 Rejections

Claims 41, 42, and 53 were rejected under 35 U.S.C. 112, second paragraph, for being indefinite.

Applicant has amended claims 40, 41, and 42 to clarify the scope of these claims and correct antecedent basis errors, and has amended claims 52 and 53 to bring them into agreement with independent claim 51, and respectfully requests removal of the section 112 rejections.

Section 102 Rejections

Claims 1-15, 18-20, 26-37, 45-56, and 58 were rejected under 35 U.S.C. 102(e) as being anticipated by Nichols et al (U.S. Patent No. 6,138,150, "Nichols"). Applicant respectfully traverses the rejection.

Amended claim 1 recites:

1. A method for executing a graphical program on a first computer and providing a user interface of the graphical program on a second computer, the method comprising:

receiving user input to the second computer, wherein said user input specifies the graphical program on the first computer, wherein the graphical program comprises a plurality of interconnected function icons representing graphical data flow of a desired function;

executing the graphical program on the first computer;

providing information describing the user interface of the graphical program to the second computer during said executing; and

displaying the user interface of the graphical program on the second computer after said providing;

wherein the user interface facilitates interaction between a user of the second computer and the graphical program executing on the first computer.

Applicant has provided below the previously presented arguments where appropriate, as well as further discussion based on the Examiner's Response to these arguments.

Nowhere does Nichols teach or suggest **receiving user input to the second computer, wherein said user input specifies the graphical program on the first computer, wherein the graphical program comprises a plurality of interconnected function icons representing graphical data flow of a desired function**, as recited in claim 1.

Cited col.3:7-12 reads:

> A user logs on to the Internet in a conventional manner by entering the address or uniform resource locator (URL) to connect to the secure HTTP server at which point additional security such as a password will be required. Upon entry of a correct password the Hardware Management Console (HMC) home-page will be displayed.

Applicant respectfully notes that the cited text makes no mention of a user specifying a graphical program as claimed. Rather, the cited text describes the user connecting to a server by specifying an address or URL, and logging on to a hardware management console home-page, which is not a graphical program, and which is nowhere described in Nichols as a graphical program. As Nichols makes clear in the Abstract, the hardware management console is a web-hosted graphical interface for managing computer hardware components of a mainframe computer, where color-coded hardware component icons indicate the status of each component. Applicant respectfully notes that such a diagram of computer components is not a graphical program, and is not described as such in Nichols. In fact, Nichols nowhere teaches or suggests or even hints at a graphical program as claimed, i.e., comprising a plurality of interconnected function icons representing graphical data flow of a desired function, and nowhere mentions graphical data flow at all. Nichols describes the displayed icons thusly: "Each icon displayed under the banner represents a hardware view or an operating system view for the mainframe" (col.6:46-48). These are not graphical program nodes included in a graphical program as defined in claim 1.

In the Examiner's Response, the Office Action asserts that Nichols's hardware management console is a graphical program, and that Applicant's definition of "graphical program" has not been considered in the analysis of Nichols because it resides in the preamble. Applicant has amended claim 1 above, moving the definition from the preamble to the body of the claim, and respectfully requests that the Examiner consider this feature of claim 1 when analyzing the prior art.

Given that the "graphical program" as recited in claim 1 includes a plurality of interconnected function icons representing graphical data flow of a desired function, Applicant respectfully submits that Nichols's hardware management console is not a graphical program. For example, Applicant notes that the hardware management console does not include interconnected function icons representing graphical data flow of a desired function; rather, the hardware management console displays icons representing mainframe computer components, where the icons are clickable by a user to access web pages whereby the user can monitor and control the mainframe computer. Nowhere does Nichols describe a graphical program as recited in claim 1. In fact, Nichols nowhere discusses or even mentions graphical data flow, or even data flow, at all.

Thus, Nichols fails to teach or suggest this feature of claim 1.

Nowhere does Nichols teach or suggest **executing the graphical program on the first computer**, as recited in claim 1.

Cited col.4:23-26 reads:

> Conventionally, a computing facility 21 comprising, for example, a mainframe computer system 22, comprising one or more CPCs, is operated from a local Hardware Management Console (HMC) in a central control room 24.

Applicant respectfully notes that the cited text makes no mention of executing a graphical program as claimed. Rather, the cited text describes operating a mainframe computer from the hardware management console, which, as noted above, is a web-

hosted graphical interface for managing computer hardware components of a mainframe computer, where color-coded hardware component icons indicate the status of each component, and is not a graphical program as claimed. Nichols nowhere teaches or suggests or even hints at executing a graphical program as claimed, i.e., comprising a plurality of interconnected function icons representing graphical data flow of a desired function, nor does Nichols even mention a graphical program at all, as discussed above.

Thus, Nichols fails to teach or suggest this feature of claim 1.

Nowhere does Nichols teach or suggest **providing information describing the user interface of the graphical program to the second computer during said executing**, as recited in claim 1.

Cited col.5:59-62 reads:

> At Box 32, the server builds an HTML response for the browser, using the information from the internal message returned from Box 31 and the response is sent to the browser at box 34.

Applicant respectfully notes that the cited text makes no mention of information describing a user interface of a graphical program being provided to a second computer as claimed. Rather, the cited text describes a server generating an HTML response for a browser and sending the respond to the browser. Nichols nowhere describes this HTML response as describing a user interface for a graphical program, nor providing information describing *a user interface of a graphical program* to a second computer *during execution of the graphical program.* Applicant notes that the cited HTML response is made in response to a browser request to initiate a desired action with respect to the mainframe computer, e.g., Reset Normal or Clear Start, Stop, Profile Update (for IPL address, IPL Parm, and assign IOCDS (Input Output Control Data Set); Assign the Profile that is to be used by Activate; View Hardware Messages; View operating System Messages; and Issue operator Console requests, as noted in col.5:39-44. Moreover, per col.5:49-65, the "information from the internal message returned from Box 31" used to

generate the response is simply the results of the requested action, and it is these results that are displayed by the browser on a computer screen per the response. Nowhere does Nichols describe this information or the HTML response as "describing a user interface for a graphical program".

In the Examiner's Response, the Office Action asserts that "the HTML response provides information for the browser, which displays the data from the server on a computer screen whereupon the user can click on a displayed icon or action button to initiate another browser request to the server", and has apparently interpreted this information as describing the "displayed icon or action button", which the user can click on to initiate another browser request. Applicant respectfully submits that the display of the first request's or action's results is not related to the "displayed icon or action button", i.e., the HTML response does not include a description of the "displayed icon or action button". Rather, per Nichols, the information provided by the HTML response includes the results of the browser request (invoked by the user via one of the displayed icons or action buttons), which are displayed on the user's computer. Once these results are displayed, the user may proceed to other operations, e.g., invoking another browser request via a "displayed icon or action button". Applicant notes that Nichols clearly shows that these icons or buttons are not displayed in response to the results of the previous browser request, but are part of the GUI. For example, Figure 13 illustrates CPC image icons that are clickable by the user to perform an action, and Figures 14 and 15 show results of clicking on various buttons or icons. Nowhere does Nichols describe the HTML response has describing a graphical user interface for a graphical program.

Thus, Nichols fails to teach or suggest this feature of claim 1.

Nowhere does Nichols teach or suggest **displaying the user interface of the graphical program on the second computer after said providing; wherein the user interface facilitates interaction between a user of the second computer and the graphical program executing on the first computer**, as recited in claim 1.

Cited col.5:62-65 reads:

> The browser displays the data from the server on a computer screen at box 35 whereupon the user can click on a displayed icon or action button to initiate another browser request to the server at box 36.

Applicant respectfully notes that the cited text makes no mention of displaying a user interface of a graphical program on a second computer as claimed. Rather, the cited text simply describes a browser displaying data received from a server on a computer screen. Nichols nowhere describes displaying a user interface on a second computer for a graphical program running on a first computer, where the user interface facilitates interaction between a user of the second computer and the graphical program executing on the first computer. Rather, Nichols discloses the user interacting with a mainframe computer from another computer via a graphical user interface, specifically, the hardware management console (HMC). Applicant respectfully notes that none of the HMC, the mainframe computer, or the browser display is a graphical program as claimed.

In the Examiner's Response, the Office Action asserts that this feature is taught by Nichols's browser user interface being displayed on the user's computer, and the user interacting with the mainframe computer via the user interface, specifically, to monitor and control the mainframe computer. Applicant respectfully submits that the user interacting with the mainframe computer via a browser user interface, specifically, the hardware management console, is not equivalent to a user interacting with a remotely executing graphical program via a user interface, since neither the mainframe computer nor the hardware management console is a graphical program, as recited in claim 1. Nor is the hardware management console (the browser user interface) described by the provided HTML response, as explained above, nor displayed in response to the HTML response. Rather, it is the results of the previous browser request (invoked action) that are displayed, via the browser user interface. Nowhere does Nichols disclose or even hint at the claimed interaction with a remotely executing graphical program. As noted above, Nichols fails to describe a graphical program at all.

Thus, Nichols fails to teach or suggest this feature of claim 1.

Thus, for at least the reasons provided above, Applicant submits that Nichols fails to teach or suggest all the features and limitations of claim 1, and so claim 1 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable.

Claims 28 and 51 include similar limitations as claim 1, and so the above arguments apply with equal force to these claims. Moreover, Applicant respectfully notes that these claims already included the definition of graphical program in their respective bodies (prior to the present amendment), and that per this definition, the cited hardware management console (as disclosed in the cited col.3:7-12, col.4:23-26, and col.5:59-65, and in Figures 9-16) is clearly not a graphical program as claimed.

Thus, for at least the reasons provided above, claims 28 and 51, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

Removal of the section 102 rejection of claims 1-15, 18-20, 26-37, 45-56, and 58 is respectfully requested.

Section 103 Rejections

Claims 16, 17, 21-25, 38-44, and 57 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Kodosky et al. (US 4,901,221, "Kodosky"). Applicant respectfully disagrees.

Applicant notes that since independent claims 1, 28, and 51 were shown above to be patentably distinct and non-obvious, and thus allowable, their respective dependent claims are similarly patentably distinct and non-obvious, and allowable. However, Applicant also submits that various ones of the dependent claims include further novel limitations not taught by the cited art.

For example, regarding claim 16, the Office Action admits that Nichols fails to disclose **providing information regarding a block diagram of the graphical program; and displaying the block diagram on the second computer, using the information**

regarding the block diagram, but asserts that Kodosky remedies this admitted deficiency of Nichols, citing col.14:55-58, Figures 20a-l, Figure 22, and col.17:15-21.

Applicant has reviewed the citations, and Kodosky in general, closely, and respectfully notes that Kodosky's display of the block diagram is described as occurring on the same computer upon which the graphical program (block diagram) resides, and thus, Applicant respectfully submits that Kodosky actually teaches away from Applicant's invention as represented in claim 16. Moreover, neither Nichols nor Kodosky discloses or even hints at displaying a block diagram of a graphical program on a different computer than that upon which the block diagram resides.

In the Examiner's Response, the Office Action asserts that Kodosky was only relied on to provide the limitation "providing information regarding a block diagram of the graphical program". However, the Office Action clearly states that "Nichols et al. do not disclose:

- providing information regarding a block diagram of the graphical program; and

-displaying the block diagram on the second computer, using the information regarding the block diagram."

Applicant agrees that Nichols fails to disclose these features (in addition to the novel features and limitations of claim 1), at least for the reason that Nichols nowhere describes or even mentions a graphical program as claimed. Thus, since neither Nichols nor Kodosky discloses displaying the block diagram on a different computer than that where the graphical program resides, Applicant respectfully submits that Nichols and Kodosky, taken singly or in combination, fail to teach or suggest all the features and limitations of claim 16.

Moreover, Applicant respectfully submits that the Office Action has not provided a proper reason or motivation to combine. The suggested motivation, "to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system", is simply a statement of presumed benefit of Applicant's claimed invention, using claim 16 as a blueprint, which is improper. Additionally, this motivation to combine is never suggested or even hinted at in Nichols or Kodosky. Applicant further

notes that the suggested motivation to combine could apply to any technique that utilizes parallelism, and so is not "clear and particular" with respect to the subject matter of claim 16. Thus, Nichols and Kodosky are not available for use in combination to make a prima facie case of obviousness.

In the Examiner's Response, the Office Action asserts that Kodosky provides a clear motivation to combine, citing col.3:22-25, which reads:

> An advantage of data flow diagramming is that it introduces parallelism into a computer system which, of course, usually increases the speed and efficiency of the system.

Applicant notes that the data flow diagramming referred to in Kodosky refers to the data flow diagram, which is the block diagram (the interconnected nodes), not the graphical user interface for the block diagram, and that the parallelism refers to the fact that data flow nodes execute whenever their inputs are present, as opposed to standard serial programs, and thus, Kodosky's disclosure would not lead one to execute a graphical program on a first computer, while sending information describing a GUI for the graphical program to a second computer that then displays the GUI.

The Office Action also asserts that one of ordinary skill in the art would be motivated to "substitute one type of graphical program with another type of graphical program". However, as discussed above, Nichols's hardware management console is not a graphical program as defined in Applicant's claims and specification, and so substituting Nichols's hardware management console for Kodosky's graphical program would not be germane to Applicant's claimed invention.

Moreover, Applicant respectfully submits that even were Nichols and Kodosky properly combinable, which Applicant argues they are not, the resulting combination would still not produce Applicant's invention as represented in claim 16, as discussed above.

Thus, for at least the reasons provided above, Applicant submits that Nichols and Kodosky, taken singly or in combination, fail to teach or suggest all the features and

limitations of claim 16, and so claim 16 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable.

Similarly, regarding claim 17, nowhere does Kodosky (or Nichols) disclose editing a graphical program remotely, e.g., from a second computer, using a display of the block diagram of the graphical computer (which resides on a first computer) shown in the second computer. In fact, neither reference discloses or even mentions remote debugging at all, much less debugging a graphical program. Thus, Kodosky and Nichols also fails to teach or suggest all the features and limitations of claim 17, and so claim 17 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Removal of the section 103 rejection of claims 16, 17, 21-25, 38-44, and 57 is earnestly requested.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-38605/JCH.

Also filed herewith are the following items:

☒ Request for Continued Examination

☐ Terminal Disclaimer

☐ Power of Attorney By Assignee and Revocation of Previous Powers

☐ Notice of Change of Address

Respectfully submitted,

/Jeffrey C. Hood/
Jeffrey C. Hood, Reg. #35198
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: 2007-12-21 JCH/MSW